

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
MAURICIO ORBETTA, *individually and on behalf of all* :
others similarly situated, :

Plaintiff, :

-v- :

DAIRYLAND USA CORPORATION and THE CHEF'S :
WAREHOUSE, INC., :

Defendants. :

20-CV-9000 (JPC)

ORDER

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JOHN P. CRONAN, United States District Judge:

The Complaint in this action was filed on October 27, 2020. (Dkt. 1). Defendants have not appeared in this action, and the docket does not reflect whether Defendants have been served. Pursuant to Federal Rule of Civil Procedure 4(m), “[i]f a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time.” Fed. R. Civ. P. 4(m).

Plaintiffs are hereby ORDERED to file a status letter by February 1, 2021, describing (1) whether service of the summons and complaint has been made on Defendants, and (2) if service has not been effected on Defendants, whether Plaintiffs request an extension of time to serve Defendants. If Plaintiffs request an extension of time to effect service, they shall include in their letter an explanation of why there is good cause to excuse their failure to serve Defendants within the 90-day deadline set by Rule 4(m). *See* Fed. R. Civ. P. 4(m) (“[I]f the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.”). If service of the summons and complaint has been made on Defendants, Plaintiffs must file proof of service on

the docket no later than February 1, 2021.

Further, the Initial Pretrial Conference scheduled for January 29, 2021, at 10:00 a.m. is hereby adjourned *sine die*.

SO ORDERED.

Dated: January 27, 2021
New York, New York



JOHN P. CRONAN
United States District Judge